

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DEWAYNE LAMONT ELLERBY,

Petitioner,

v.

J. ECKARD et al.,

Respondents.

CIVIL ACTION  
NO. 15-5900

**ORDER**

**AND NOW**, this 23rd day of May 2016, upon consideration of Petitioner's Petition for a Writ of Habeas Corpus (Doc. No. 1), Respondents' Response to the Petition (Doc. Nos. 7, 8), the Report and Recommendation of United States Magistrate Judge Linda K. Caracappa (Doc. No. 11), and that the Report and Recommendation has not been objected to by the parties, it is **ORDERED** that:

1. The Report and Recommendation (Doc. No. 11) is **APPROVED** and **ADOPTED**.
2. The Petition for a Writ of Habeas Corpus (Doc. No. 1) is **DENIED**.
3. A Certificate of Appealability **SHALL NOT** issue because, based on the analysis contained in the Magistrate Judge's Report and Recommendation, as approved and adopted by this Court, a reasonable jurist could not conclude that the Court is incorrect in denying and dismissing the Habeas Petition. See 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473 (2000).
4. The Clerk of Court shall close this case for statistical purposes.

BY THE COURT:

/s/ Joel H. Slomsky  
JOEL H. SLOMSKY, J.